

REMARKS

The Application has been reviewed in light of the Office Action mailed May 4, 2005. Claims 34-53 remain pending.

As an initial matter, Applicants notice that the Office Action mailed May 4, 2005 does not include reference to the Information Disclosure Statement submitted by the Applicants on May 3, 2005. Applicants request that the Examiner confirm review of the references submitted in the May 3, 2005 IDS by initialing and returning the Citation form with the next action.

Claims 34, 35, 37, 38, 44, 45, 48, 49, 52, and 53 stand objected to for having insufficient antecedent basis for the phrase "therapy plan information." The objection is traversed. In each of these claims, the phrase "therapy plan information" is quite clear. The phrase in each instance that it first appears in the claims is not preceded by an article, such as "a" or "an" because this would not be grammatically correct. The phrase is not, however, proceeded with the articles "the" or "said," which would be improper for lack of antecedent basis. Applicants respectfully request that the Examiner reconsider this objection.

Claims 34-53 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of copending Application No. 10/455,497, now issued as U.S. Patent No. 6,777,700 (issued August 18, 2004). A Terminal Disclaimer is being submitted herewith to obviate this rejection. Withdrawal of the rejection is requested.

Claims 34-53 also stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25-33 of copending Application No. 10/671,613. The rejection is traversed because

Application No. 10/671,613 is abandoned, as evidenced by the records at the USPTO PAIR Website, a screen shot of which is attached hereto.

Each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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